

REMARKS

1. In the above-captioned Office Action, the Examiner objected to claims 25-30 for being dependent on a rejected base claim. Claims 19, 21, 32, and 33, were rejected under 35 U.S.C. §102(b) in view of Fegel (U.S. Patent No. 3,874,225). Claims 20, 22-24, and 31, were rejected under 35 U.S.C. §103(a) in view of Fegel. These rejections are traversed and reconsideration is hereby respectfully requested.

2. Claims 19, 21, 32, and 33, were rejected under 35 U.S.C. §102(b) in view of Fegel.

As stated by the Examiner in the Final Office Action, the Examiner interpretation pertaining to independent claims 19 and 32 of the present Application does not require a fuel injector per se to be present but instead only "the test volume" of the fuel injector, for it is the test volume that is being tested, and the test volume is not required to be within the fuel injector. As such, the Examiner's argument is that the volume within the sleeve (22) of Fegel is deemed the test volume of the fuel injector because it remains when the tester is removed and replaced with the actual fuel injector.

Applicant's interpretation is consistent with and has support in the specification as filed. For example, the specification states that the "test volume may include one or more of the actuating and actuating-related components *in the fuel injector.*" (*emphasis added*, paragraph [0025], lines 8-10). Nevertheless, Applicant amends independent claims 19 and 32 above to clarify even further that "the test volume" is a volume disposed partially in the fuel injector when the fuel injector is disposed in the sleeve, and not a test volume that is not required to be within the fuel injector.

Therefore, the Fegel reference does not teach and cannot be used to practice a method of testing a fuel injector that includes the steps of *placing a fuel injector in a sleeve and mechanically isolating at least one test volume within the fuel injector with the sleeve* as stated in independent claim 19 as amended, or, a method that includes the steps of *placing the fuel injector in a sleeve having an inside surface and with the sleeve, mechanically isolating at least one test volume, the test volume partially disposed within the fuel injector* as stated in independent claim 32 as amended.

The Examiner further states that the tester used by Fegel may be considered as an injector in of itself. Applicant's fuel injector is taught in the specification as a fuel injector used for an internal combustion engine. It is well known in the art that a tester like the one taught by Fegel is not nor can it be construed by one having ordinary skill in the art as a fuel injector for an internal combustion engine.

Hence, the applicant respectfully submits that independent claims 19 and 32, along with dependent claims 21 and 33 that depend therefrom may be passed to allowance.

3. Claims 20, 22-24, and 31, were rejected under 35 U.S.C. §103(a) in view of Fegel. For the sake of brevity, the Examiner's comments pertaining to these rejections are not addressed herein because any arguments thereto would be needlessly repetitious, as Fegel fails to teach or suggest the claimed subject matter of the independent claims in this Application. Any combination of the teachings of Fegel with what may be known in the art would not yield the invention as claimed.

Thus, any combination based on the Fegel reference fails to teach or yield the invention as claimed and fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination based on Fegel.

Moreover, claims 20, 22-24, 26, and 28-31 are dependent upon an independent claim that is shown to be allowable and are, therefore, themselves allowable.

4. No new subject matter is introduced by the amendments to the above claims. Applicant amends and re-writes claim 25 in independent form including all the limitations of the base claim (previously claim 19) and any intervening claims.

Claims 1-18 drawn to the non-elected invention are cancelled from the present Application. Applicant has retained the right to petition from the requirement under 37 CFR 1.144. (See MPEP § 818.03(c).)

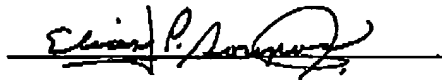
5. The above amendment and response is necessary because it places the application in condition for allowance and was not previously entered because the Examiner first brought the grounds of rejection in the Final Office Action.

6. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 19-33 is hereby respectfully requested.

Respectfully submitted,

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